

2812



In re Application of:

MASATAKA ITO

Application No.: 10/091,461

Filed: March 7, 2002

For: SOI SUBSTRATE, ANNEALING
METHOD THEREFOR, SEMICONDUCTOR
DEVICE HAVING THE SOI SUBSTRATE,
AND METHOD OF MANUFACTURING
THE SAME

Docket No. 00862.022541.

Examiner: S. Isaac

Group Art Unit: 2812

Date: March 4, 2003

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

☒ No additional fee is required.

The fee has been calculated as shown below

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CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	* 16	MINUS	** 20	= 0	x \$9 \$18	-0-
INDEP. CLAIMS	* 2	MINUS	*** 3	= 0	x \$42 \$84	-0-
Fee for Multiple Dependent claims \$140°/\$280						
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT---						-0-

- * If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

☐ Verified Statement claiming small entity status is enclosed, if not filed previously.

☐ A check in the amount of \$____ is enclosed.

☐ Charge \$____ to Deposit Account No. 06-1205. A duplicate copy of this sheet is enclosed.

☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205. A duplicate copy of this paper is enclosed.

☐ A check in the amount of \$____ to cover the fee for a ____ month extension is enclosed.

☐ A check in the amount of \$____ to cover the Information Disclosure Statement fee is enclosed.

☒ Applicant's undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Attorney for Applicant

Registration No. 32622

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00862.022541



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MASATAKA ITO

Application No.: 10/091,461

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For: SOI SUBSTRATE, ANNEALING
METHOD THEREFOR,
SEMICONDUCTOR DEVICE
HAVING THE SOI SUBSTRATE,
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Examiner: S. Isaac

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March 4, 2003

Commissioner for Patents
Washington, D.C. 20231

#8
Response
J. M. Sullivan
3/17/03

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RESPONSE TO OFFICE ACTION

Sir:

This is in response to the Office Action dated December 4, 2002 in the above-identified application. Claims 1 to 8 and 10 to 17 are in the application, of which Claims 1 and 10 are the independent claims. Reconsideration and further examination are respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on March 4, 2003
(Date of Deposit)

Michael K. O'Neill

Name of Attorney for Applicant

Signature

Date of Signature

Claims 1 to 6 and 10 to 15 were rejected for nonstatutory obviousness-type double patenting in view of Claims 32, 38, 43 to 53 and 66 of U.S. Patent No. 6,407,367 (Ito '367). Claim 7, 8, 16 and 17 were rejected under 35 U.S.C. § 103(a) over Ito '367 in view of U.S. Patent No. 6,441,433 (En). The rejections are respectfully traversed.

According to Claim 1, the present invention concerns an annealing method for annealing an SOI substrate in a reducing atmosphere. The method has the steps of holding the SOI substrate by a holding portion having a surface formed from silicon, and annealing the SOI substrate. The holding portion is a member having a silicon film thereon or a member formed from single-crystal silicon or polysilicon.

According to Claim 10, the other independent claim, the present invention concerns an annealing method for annealing an SOI substrate in a reducing atmosphere. The method has the steps of holding the SOI substrate by a holding portion which contains no silicon carbide formed by sintering and has a surface formed from silicon carbide deposited by CVD, and annealing the SOI substrate.

The obviousness-type double patenting rejection is respectfully traversed. The cited claims of Ito '367 do not claim holding of the SOI substrate, much less holding by a holding portion defined by the rejected claims. The specification of Ito '367 indicates that boat 4 holds the SOI substrate. However, the cited Claims of Ito '367 do not mention the boat. Accordingly since the cited claims of Ito '367 do not mention holding by a holding portion, withdrawal of the obviousness-type double patenting rejection is respectfully requested.

In view of the foregoing, the only rejection that remains is the § 103(a) rejection of Claims 7, 8, 16 and 17. This rejection is unclear since it appears that the base

claims would be allowable while the dependent claims are rejected. In December, 2002, Applicant's representatives telephoned the Examiner to obtain clarification of the rejection. During the telephone discussion, the Examiner insisted that the Office Action was correct and suggested that clarification should be requested formally, in writing. In view of the rejection's lack of clarity, Applicant respectfully refrains from commenting on it further, and respectfully requests clarification. If the rejection is maintained, Applicant requests that Claims 1 to 6 and 10 to 15 be indicated as allowable and a new Office Action issued.

Regarding a formal matter, the Examiner is respectfully requested to indicate that the art cited in the Information Disclosure Statement dated May 14, 2002, has been considered and made formally of record by initialing and returning the Form PTO-1449 attached thereto.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


Attorney for Applicant

Registration No. 32622

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